

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

NETLIST, INC.,	)	
	)	
Plaintiff,	)	
	)	Case No. 2:22-cv-293-JRG
vs.	)	
	)	JURY TRIAL DEMANDED
SAMSUNG ELECTRONICS CO., LTD.;	)	(Lead Case)
SAMSUNG ELECTRONICS AMERICA,	)	
INC.; SAMSUNG SEMICONDUCTOR	)	
INC.,	)	
	)	
Defendants.	)	

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NETLIST, INC.,	)	
	)	
Plaintiff,	)	
	)	Case No. 2:22-cv-294-JRG
vs.	)	
	)	JURY TRIAL DEMANDED
MICRON TECHNOLOGY, INC.;	)	
MICRON SEMICONDUCTOR	)	
PRODUCTS, INC.; MICRON	)	
TECHNOLOGY TEXAS LLC,	)	
	)	
Defendants.	)	

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**DECLARATION OF STEPHEN M. PAYNE IN SUPPORT OF PLAINTIFF  
NETLIST, INC.'S REPLY IN SUPPORT OF MOTION FOR SUMMARY  
JUDGMENT ON SAMSUNG'S DEFENSE OF EQUITABLE ESTOPPEL  
(SAMSUNG CASE NO. 2:22-CV-293) (DKT. 357)**

**I, Stephen M. Payne, declare as follows:**

1. I am an attorney at the law firm of Irell & Manella LLP, counsel of record for Plaintiff Netlist, Inc. (“Netlist”) in the above-captioned action. I am a member in good standing of the State Bar of California and have been admitted to practice *pro hac vice* before this Court in this action. I provide this declaration in support of Plaintiff Netlist, Inc.’s Reply in support of Motion for Summary Judgment on Samsung’s Defense of Equitable Estoppel (Samsung case no. 2:22-cv-293). I have personal knowledge of the facts stated herein, and could and would testify completely thereto if called as a witness in this matter.

2. Attached as **Exhibit 29** is a true and correct excerpted copy of the Corrected Rebuttal Expert Report of Peter Gillingham, dated December 21, 2023.

3. Attached as **Exhibit 30** is a true and correct excerpted copy of Attachment A to the Rebuttal Expert Report of Joseph McAlexander, dated December 21, 2023.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 7, 2024, in Newport Beach, California.

By /s/ Stephen M. Payne  
Stephen M. Payne